

PRODUCT: 1 40-pound can of cherry jelly, 1 40-pound can of strawberry jelly, 2 40-pound cans of grape jelly, 1 40-pound can of apple jelly, and 1 40-pound can of cherry jam, at Kansas City, Mo.

LABEL, IN PART: (Can) "Garvey's Bakers Style Cherry [or "Strawberry," "Grape," or "Apple"] Jelly" or "Cherry Jam."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), jam deficient in fruit, and assorted jelly deficient in fruit juices, all of which contained artificial color except the apple jelly, had been substituted for cherry jam and strawberry, grape, and apple jelly.

Misbranding, Section 403 (a), the label designations "Cherry Jelly," "Strawberry," "Grape Jelly," "Apple Jelly," and "Cherry Jam" were false and misleading since the products failed to conform to the definitions and standards of identity for fruit jelly and jam. Further misbranding, Section 403 (g) (1), the products purported to be and were represented as cherry, strawberry, grape, and apple jelly, and cherry jam, and failed to conform to the definitions and standards of identity for such jelly and jam since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients (cherry, strawberry, grape, and apple jelly) and the fruit ingredient (cherry jam) to each 55 parts by weight of one of the saccharine ingredients specified in such definitions and standards; and all of the products except the apple jelly contained artificial color which is not permitted as an optional ingredient of fruit jelly and fruit jam.

DISPOSITION: June 11, 1951. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution and not for sale.

17678. Adulteration and misbranding of strawberry preserves. U. S. v. 18 Cases * * *. (F. D. C. No. 30860. Sample No. 31961-L.)

LABEL FILED: On or about April 11, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 31, 1951, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 18 cases, each containing 6 8 $\frac{1}{4}$ -pound cans, of strawberry preserves at Mount Vernon, Mo. This product was deficient in fruit, and the portion labeled "Western Brand" contained artificial color.

LABEL, IN PART: (Can) "Western Brand Institution Style Strawberry Preserves * * * Western Products Corp. Omaha, Nebraska" or "Institution Style Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit, a portion of which contained artificial color, had been substituted in whole or in part for strawberry preserves; and, Section 402 (b) (4), artificial color had been added to a portion of the product and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for strawberry preserves since it was made from a mixture composed of less than 45 parts by weight of the strawberry ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard; and, Section 403 (e) (1), a portion of the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: May 28, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for consumption by the inmates.